

LAW ENFORCEMENT AND PUBLIC SAFETY ENHANCEMENT  
ACT OF 1999

JULY 30, 1999.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

Mr. BURTON of Indiana, from the Committee on Government  
Reform, submitted the following

REPORT

[To accompany H.R. 1442]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Reform, to whom was referred the bill (H.R. 1442) to amend the Federal Property and Administrative Services Act of 1949 to continue and extend authority for transfers to State and local governments of certain property for law enforcement, public safety, and emergency response purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Law Enforcement and Public Safety Enhancement Act of 1999”.

**SEC. 2. AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.**

That section 203(p)(1)(B) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)(B)) is amended—

- (1) by striking clause (ii);
- (2) by striking “(i)”; and
- (3) by striking “(I)” and inserting “(i)”; and
- (4) by striking “(II)” and inserting “(ii)”.

Amend the title so as to read:

A bill to amend the Federal Property and Administrative Services Act of 1949 to continue authority for transfers to State and local governments of certain property for law enforcement and emergency response purposes.

**I. BACKGROUND AND NEED FOR LEGISLATION**

The Federal Property and Administrative Services Act of 1949 (FPA) is the general law regarding the acquisition, utilization, and disposition of surplus Federal property.<sup>1</sup> Under the FPA, property that is no longer needed by a Federal department or agency is reported to the General Services Administration (GSA) as excess property. The GSA screens excess property for reuse by another Federal department or agency. If another agency determines that it can use the property, it is reused. If there is no further Federal interest in the property, it is declared surplus, and may be disposed of by the GSA in accordance with the FPA.

The GSA has a number of options for disposing of surplus property. Surplus property can be transferred to a State or local government or to an eligible nonprofit organization at little or no cost under several restricted public benefit uses. The GSA can negotiate a sale of the property with a State or local government at fair market value. The property can also be sold to the public under competitive bidding procedures.

Under existing law, eligible units of State and local governments and certain nonprofit institutions may acquire surplus real property for public benefit uses at monetary discounts of up to 100 percent. Public benefit conveyance categories include parks and recreation, historic monuments, airports, health, education, correctional facilities, highways, and wildlife conservation. In accordance with the Stewart B. McKinney Homeless Assistance Act (McKinney Act), suitable surplus Federal property is to be made available for homeless assistance on a priority basis.<sup>2</sup>

Under the public benefit programs, eligible State and local government entities must apply to a sponsoring Federal agency. For example, if a city wanted to obtain surplus Federal property for use as a college, it would make an application to the Department of Education. With the exception of properties conveyed for use by the homeless under the McKinney Act, the GSA makes the final determination on whether a property is to be sold or conveyed under a public benefit authority.

H.R. 1442, the “Law Enforcement and Public Safety Enhancement Act of 1999,” introduced by Representative Ken Calvert (R–

<sup>1</sup>The Federal Property and Administrative Services Act of 1949, 63 Stat. 377, 40 U.S.C. 475 et seq.

<sup>2</sup>The Stewart B. McKinney Homeless Assistance Act of 1987, 42 U.S.C. 11411 (1987).

CA) on April 15, 1999, would make permanent the General Services Administration's authority to transfer surplus real and related property at no cost to State governments for use by law enforcement or emergency management response services. Public Law 105-119 presently authorizes such transfers through December 31, 1999. H.R. 1442 eliminates the sunset date, allowing the program to continue.

In the 105th Congress, Representative Calvert introduced H.R. 404 that sought to add law enforcement and emergency management response as two new public benefit categories. H.R. 404 passed the House of Representatives on November 4, 1997. However, prior to its consideration in the Senate, the provisions of the bill became law as part of the Commerce, Justice, State, the Judiciary and Related Agencies Appropriations bill for fiscal year 1998.<sup>3</sup> Prior to its inclusion in the appropriations bill, the legislation was amended in the Senate to include the December 31, 1999, expiration date. The temporary authority was authorized as a way to measure the impact and value of these new public benefit conveyance categories.

Representative Calvert drafted the legislation to address a need for Riverside County, California officials to acquire surplus Federal property to use as a law enforcement, and fire and rescue training facilities.<sup>4</sup> Prior to enactment of the legislation, State and local government bodies could not obtain surplus Federal property at no cost for law enforcement or emergency management response purposes. H.R. 404 was referred to the Committee on Government Reform and Oversight and its Subcommittee on Government Management, Information, and Technology, chaired by Representative Stephen Horn (CA). The subcommittee held a hearing on H.R. 404 on June 3, 1997.

Although the concept of the legislation began because of the need for additional training centers in Southern California, the application is much broader. Indeed, a number of State and local communities throughout the country have filed applications for surplus Federal property for law enforcement, and emergency management response purposes, including fire and rescue services. Applications to acquire surplus property for law enforcement are submitted to the Department of Justice. Applications to acquire surplus property for emergency management response purposes, including fire and rescue services, are submitted to the Federal Emergency Management Agency. As of May 1999, the Department of Justice had 14 applications from State and local governments. An additional 21 jurisdictions were in the process of applying to obtain surplus property for these purposes. As of the date of this report only two surplus properties have been transferred for law enforcement purposes using this authority.

The December 31, 1999, expiration date jeopardizes all of these pending applications, as well as the filing of new ones. Several projects underway will not be able to complete their land transfers by the December 31, 1999, sunset date. If the sunset date is not

<sup>3</sup>Public Law 105-119.

<sup>4</sup>Riverside County wanted to obtain portions of the March Air Force Base for use as a law enforcement and fire and rescue training facility. The base was closed and was declared surplus property as part of the 1993 Base Realignment and Closure Act.

eliminated, there is a danger that many of these projects will have to be scrapped. There is also a concern that unless this sunset clause is removed immediately, many applications yet to be filed might not be accepted as the GSA prepares to end this process.

## II. LEGISLATIVE HEARINGS AND COMMITTEE ACTIONS

H.R. 1442 was introduced by Representative Ken Calvert on April 15, 1999, and was referred to the Committee on Government Reform and its Subcommittee on Government Management, Information, and Technology. The subcommittee held a mark-up session for H.R. 1442 on May 13, 1999. Chairman Horn offered an amendment to H.R. 1442 that eliminated “public safety” as an additional public benefit conveyance category. Chairman Horn’s amendment was unanimously adopted by a voice vote and the bill, as amended, was favorably reported by a voice vote to the full committee for consideration. On May 19, 1999, the Committee on Government Reform, considered H.R. 1442, as amended, by voice vote, and favorably ordered the bill to be reported.

## III. COMMITTEE HEARINGS AND WRITTEN TESTIMONY

On June 3, 1997, the Subcommittee on Government Management, Information, and Technology held a legislative hearing on H.R. 404.<sup>5</sup> The subcommittee received testimony from a number of witnesses who discussed the merits of the legislation. Bipartisan witnesses included the sponsor of the bill, Representative Calvert, Senator Dianne Feinstein (CA),<sup>6</sup> and Representative Sonny Bono (CA). The subcommittee also heard from Gordon Creed, the Deputy Assistant Commissioner of the Public Buildings Service, General Services Administration; and local government officials including Larry Smith, Sheriff of Riverside County, California, and Ascension Torres, the Chairman of the Joint Powers Authority, a local redevelopment agency set up by the State of California.

Representative Calvert described the bill and testified about the need for State and local communities to expeditiously recycle surplus Federal property for local public uses. Senator Feinstein testified in support of the legislation and discussed the need for local governments to acquire the surplus property for law enforcement, and fire and rescue training. She spoke about her experiences as the former mayor of San Francisco and the needs of that community for additional facilities to conduct law enforcement, and fire and rescue training. Representative Bono, also supportive of the measure, testified about his visit to the Riverside County law enforcement training facility at March Air Force Base in Riverside, California. Representative Bono spoke about the efficiency of the site’s operation and how it was meeting the needs of the local community.

Deputy Assistant Commissioner, Gordon Creed, of the Office of Property Disposal in the Public Buildings Service of the General

<sup>5</sup> H.R. 404, a bill “to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local governments of certain surplus property for use for law enforcement or public safety purposes,” Committee on Government Reform and Oversight Subcommittee on Government Management, Information, and Technology, 105th Congress, 1st Session, Serial Number 105-56, June 3, 1997.

<sup>6</sup> Senator Feinstein introduced a companion bill, S. 203, in the Senate.

Services Administration, described the disposal process for surplus Federal property under the Federal Property Act. Mr. Creed explained that under existing law, eligible State and local government bodies might acquire surplus real property for restricted public benefit purposes at no cost where such purposes reflect the highest and best use of the property.

Both Chairman Horn and Mr. Creed agreed that the goals of H.R. 404, to allow local governments to reuse surplus property for law enforcement training purposes, was in line with the objective to improve law enforcement in the United States. Chairman Horn commented that as a former president of California State University, Long Beach, he saw the regional need for multi-use training facilities for law enforcement and the forensic sciences.

Both Mr. Torres and Sheriff Smith testified about the importance of the land transfers to their community. The March Air Force Base was realigned as a result of the 1993 Base Realignment and Closure process. Mr. Torres testified that the local redevelopment authority designed a master reuse plan for the surplus property. In 1994, the Riverside County Sheriff's Department presented a proposal to use a portion of the base as a law-enforcement training center. The local community overwhelmingly supported this reuse proposal. Mr. Torres stated that when public use of surplus Federal property is planned, the most expedient and cost-effective method for transferring ownership is through the public benefit conveyance process. Mr. Torres stressed that the proposed legislation would be invaluable in assisting local communities in obtaining surplus property for much needed law enforcement and emergency management rescue training purposes.—

#### IV. EXPLANATION OF THE BILL

H.R. 1442, the “Law Enforcement and Public Safety Enhancement Act of 1999,” would make permanent the General Services Administration’s authority to transfer surplus real and related property at no cost to State governments for use by law enforcement or emergency response services. Public Law 105–119 presently authorizes such transfers through December 31, 1999. H.R. 1442 would eliminate the sunset date.

#### V. COMMITTEE OVERSIGHT FINDINGS

Pursuant to rule XIII, clause 3(c)(1) of the Rules of the House of Representatives, the results and findings of those oversight activities are incorporated in the recommendations found in the bill and in this report.

#### VI. BUDGET ANALYSIS AND PROJECTIONS

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because the bill does not provide new budget authority, new spending authority, new credit authority, or an increase or decrease in revenues or tax expenditures.

## VII. COST ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 8, 1999.*

Hon. DAN BURTON,  
*Chairman, Committee on Government Reform,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1442, the Law Enforcement and Public Safety Enhancement Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff conduct is John R. Righter.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 1442—Law Enforcement and Public Safety Enhancement Act of 1999*

H.R. 1442 would make permanent the General Services Administration's (GSA's) authority to transfer surplus real and related property at no cost to state governments for use by law enforcement or emergency response services. Public Law 105-119 authorizes such transfers through December 31, 1999. Because enacting this legislation would increase direct spending by reducing offsetting receipts from the sale of federal real property, pay-as-you-go procedures would apply. Based on the number and value of federal properties transferred to state and local governments under other public purpose authorities, as well as the number and type of properties for which applications currently are pending before the Department of Justice (DOJ), CBO estimates that the amount of forgone receipts from enacting H.R. 1442 would total \$3 million a year over the 2000-2004 period. If the federal government's inventory of excess and surplus properties increases significantly over that of recent years, the amount of forgone receipts could be higher than \$15 million over the next five years. H.R. 1442 contains no intergovernmental or private-sector mandates as defines in the Unfunded Mandates Reform Act and would impose no costs on the budgets of state, local, or tribal governments.

Under the Federal Property and Administrative Services Act, which governs the disposal of most federal real property, GSA first offers property excess to the needs of an agency to other federal agencies. If no further federal interest exists in the property, it is declared surplus to the needs of the federal government. GSA has several options for disposing of surplus property including: (1) transferring the property to a state or local government or to an eligible nonprofit organization at little or no cost under several restricted public-purpose uses, (2) negotiating a sale with a state or local government, or (3) selling the property to the public under competitive bidding procedures.

H.R. 1442 would permanently add law enforcement and emergency response to the list of authorized public-purpose programs, which includes education, public health, correctional facilities, pub-

public parks and recreation areas, and public airports. Under the public purpose program, eligible recipients must seek a sponsoring agency (in this case, DOJ, for law enforcement, and the Federal Emergency Management Agency, for emergency response services), which then works with GSA in determining the property's "highest and best use." With the exception of properties conveyed under title V of the Stewart B. McKinney Homeless Assistance Act, GSA has the final say in determining whether a property is to be sold or conveyed under a public-purpose authority. In most cases, properties approved as meeting a recognized public purpose are transferred to the requesting entity.

CBO expects that permanently adding law enforcement and fire and rescue to the list of eligible activities would result in the transfer of additional federal properties to state and local governments. According to DOJ, to date only one property—a Naval air station in Memphis, Tennessee—has been transferred to a state or locality under the temporary authority, although at least five other transfers are imminent (and should occur before December 31, 1999). In total, the department is processing 13 applications from state and local governments to acquire parcels of surplus property.

In some instances, properties transferred under H.R. 1442 probably would have been conveyed anyway under one of the existing public purpose authorities. In fiscal year 1998, for instances, GSA transferred 49 properties with an estimated value of \$90 million to state and local governments and eligible nonprofit organizations. In other instances, properties that would have been sold under existing law would instead be conveyed at no cost, resulting in an increase in direct spending. CBO expects that enacting the bill would result in the federal government transferring additional properties to state and local governments, resulting in a loss of offsetting receipts of about \$3 million a year.

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal year in millions of dollars—										
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Changes in outlays .....	0	3	3	3	3	3	3	3	3	3	3
Changes in receipts .....	Not applicable										

The CBO staff contact is John R. Righter. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

#### VIII. STATEMENT OF CONSTITUTIONAL AUTHORITY—

Pursuant to rule XIII, clause 3(d)(1), the Committee finds that clauses 14 and 18 of Article I, Section 8 of the U.S. Constitution grant Congress the power to enact this law.

## IX. COMMITTEE RECOMMENDATION—

On Wednesday, May 19, 1999, a quorum being present, the Committee ordered the bill favorably reported to the House for consideration by voice vote.

## X. CONGRESSIONAL ACCOUNTABILITY ACT; PUBLIC LAW 104–1

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(B)(3) of the Congressional Accountability Act (P.L. 104–1).

XI. UNFUNDED MANDATES REFORM ACT; PUBLIC LAW 104–4,  
SECTION 423

The Committee finds that the legislation does not impose any Federal mandates within the meaning of section 423 of the Unfunded Mandates Reform Act (P.L. 104–4).

XII. FEDERAL ADVISORY COMMITTEE ACT (5 U.S.C. APP.) SECTION  
5(b)

The Committee finds that the legislation does not establish or authorize establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**SECTION 203 OF THE FEDERAL PROPERTY AND  
ADMINISTRATIVE SERVICES ACT OF 1949****SEC. 203. DISPOSAL OF SURPLUS PROPERTY.**

(a) \* \* \*

\* \* \* \* \*

(p)(1)(A) \* \* \*

(B) **[(i)]** The Administrator may exercise the authority under subparagraph (A) with respect to such surplus real and related property needed by the transferee or grantee for—

**[(I)]** *(I)* law enforcement purposes, as determined by the Attorney General; or

**[(II)]** *(II)* emergency management response purposes, including fire and rescue services, as determined by the Director of the Federal Emergency Management Agency.

**[(ii)]** The authority provided under this subparagraph shall terminate on December 31, 1999.]